

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
WESTERN DIVISION

ANGELA DENISE NAILS,

Plaintiff,

vs.

ARBOR ACERS APARTMENTS,
LISA TILLEY,
JUANITA HUDSON, and
CYNTHIA WASHINGTON,

Defendants

Case No. 7:05-cv-2559-TMP

MEMORANDUM OPINION

On July 9, 2007, the magistrate judge to whom this case was assigned filed a report and recommendation, recommending that the complaint for relief under the Fair Housing Act be dismissed with respect to all four defendants. The magistrate judge noted that one defendant has never been served with process, while the other three have filed motions to dismiss the complaint against them. The magistrate judge found that the complaint failed to allege sufficiently any claim against the moving defendants.

The *pro se* plaintiff filed her objections to the report and recommendation on July 24, 2007.

In response to the objections, the magistrate judge directed the Clerk to draw a district judge to review the objections and report and recommendation *de novo*, and the undersigned was selected. On August 10, 2007, magistrate judge granted the plaintiff 30 additional days in which to locate counsel, but nothing further has been filed by plaintiff nor has an attorney appeared for her.

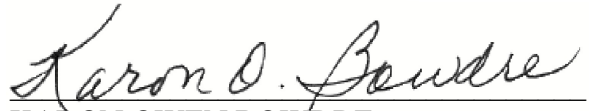
Having now carefully reviewed and considered *de novo* the report and recommendation, the objections, and all other materials in the court file, the court agrees that the complaint is due to be

dismissed. Plaintiff's objections to the report and recommendation are OVERRULED. Defendant Hudson has never been served with process, and more than 120 days have elapsed since the filing of the complaint. Thus, under Rule 4(m) of the Federal Rules of Civil Procedure, the complaint against her is due to be DISMISSED WITHOUT PREJUDICE. Further, the magistrate judge has correctly determined that the factual allegations of the plaintiff's complaint simply fails to set out the requisite elements of a Fair Housing Act claims, most importantly, the complaint alleges no facts from which a racially discriminatory animus can be inferred with respect to any of the defendants' conduct. Thus, with respect to defendants Arbor Acres Estates, Lisa Tilley, and Cynthia Washington, the complaint is due to be DISMISSED WITH PREJUDICE.

A separate order will enter.

The Clerk is DIRECTED to mail a copy of the foregoing to the plaintiff.

DONE this 24th day of September, 2007.


KARON OWEN BOWDRE
UNITED STATES DISTRICT JUDGE